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International drug control

Follow-up on strengthening the systems of control over chemical precursors and preventing their diversion and trafficking

Note by the Secretariat

By its resolution 2004/38 of 21 July 2004, the Economic and Social Council recommended to the General Assembly the adoption of the following draft resolution:

"Follow-up on strengthening the systems of control over chemical precursors and preventing their diversion and trafficking

"*The General Assembly*,

"*Concerned* with the continued diversion and misuse of precursors and the fact that despite efforts undertaken by all States, including the producing, exporting, importing and transit States, chemical substances are increasingly feeding the manufacture of illicit drugs of natural or synthetic origin, a problem that deserves the utmost attention of all States,

"*Recalling* the Political Declaration adopted by the General Assembly at its twentieth special session, devoted to countering the world drug problem together, in which Member States decided to establish the year 2008 as a target date for States to eliminate or considerably reduce the diversion of precursors,[1]

"*Recalling also* the Joint Ministerial Statement and further measures to implement the action plans emanating from the twentieth special session of the General Assembly, adopted during the ministerial segment of the forty-sixth session of the Commission on Narcotic Drugs,[2]

"*Stressing* the importance of Economic and Social Council resolutions 2003/32 of 22 July 2003, on training in precursor control, countering money-

[1] General Assembly resolution S-20/2, annex, para. 14.
[2] A/58/124, sect. II.A.

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laundering and drug abuse prevention, and 2003/35, also of 22 July 2003, on strengthening the prevention and suppression of illicit drug trafficking,

"*Recalling* article 12, paragraphs 1, 9 (c) and 10, of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[3]

"*Reaffirming* the importance of using all available legal means or measures to prevent the diversion of chemicals from legitimate trade to illicit drug manufacture as an essential component of comprehensive strategies against drug abuse and trafficking and of preventing access to chemical precursors by those engaged in or attempting to engage in the processing of illicit drugs,

"*Reiterating* the importance of the effective and real-time exchange of information relating to the interdiction, diversion and suspected diversion of precursors, as an essential component of strategies to facilitate comprehensive investigations into cases relating to such diversion, including the identification of the modus operandi and entities involved and the initiation of appropriate legal action,

"*Encouraging* Member States to conduct backtracking law enforcement investigations in order to counter organized smuggling networks effectively,

"*Also encouraging* Member States to facilitate the exchange of information between the relevant agencies in order to identify the sources of seized precursor chemicals and those responsible for the shipping and diversion of those substances and to identify the sources of pharmaceutical preparations misused for illicit drug manufacture,

"*Noting* that links are increasingly being uncovered between the smuggling of drugs and the smuggling of precursor chemicals, including the use of similar modi operandi to conceal consignments in order to avoid detection,

"*Welcoming with satisfaction* the results so far achieved under Operation Purple and Operation Topaz and the new initiative called Project Prism, which were launched by the International Narcotics Control Board, in cooperation with Member States, to enhance controls over chemicals used in the illicit manufacture of cocaine, heroin and amphetamine-type stimulants respectively,

"*Concerned* that, without additional resources, the International Narcotics Control Board will not be able to carry out its important functions under the above-mentioned operations,

"1. *Urges* all Member States to put in place systems and procedures to ensure that the details of any interdiction, seizure, diversion or attempted diversion of precursors are communicated expeditiously to all Governments concerned and the International Narcotics Control Board and, insofar as possible, share relevant information so that methods frequently used for the national and international trafficking in chemicals may be identified, pursuant

[3] United Nations, *Treaty Series*, vol. 1582, No. 27627.

to article 12 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988;[4]

"2. *Reiterates* the importance of applying the know-your-client principle referred to in Economic and Social Council resolution 2003/39 of 22 July 2003, and stresses the necessity of strengthening the use of the mechanism of pre-export notifications, including by providing timely responses, especially through the efficient sharing of information;

"3. *Invites* those States which do not have mechanisms to enable the real-time exchange of information under the current international operations to consider establishing a national focal point or central national authority in line with the standard operating procedures of the international operations, through which all information on licit and illicit consignments can be channelled, and invites all Member States to contribute to updating the directory of competent national authorities under the international drug control treaties, with a view to implementing article 12 of the 1988 Convention;

"4. *Recommends* that Member States develop or further adapt, where necessary, their regulatory and operational control procedures to counter the diversion of chemical substances into illicit drug production or manufacture, and encourages authorities to initiate or further strengthen coordination and cooperation between all regulatory and enforcement services involved in precursor control;

"5. *Invites* Member States and appropriate international and regional bodies to review intelligence on the smuggling of drugs and the smuggling of precursor chemicals, in order to identify common links and to plan appropriate operations to stop such activities;

"6. *Encourages* Member States to ensure that stopped diversion attempts receive the same investigative attention that would be afforded to a seizure of the same substance, since such cases could provide valuable intelligence that could prevent diversions elsewhere;

"7. *Emphasizes* the need to ensure that adequate mechanisms are in place, where necessary and to the extent possible, to prevent the diversion of preparations containing chemicals listed in tables I and II of the 1988 Convention, pertaining to illicit drug manufacture, in particular those containing ephedrine and pseudoephedrine;

"8. *Encourages* Member States, in order to counter smuggling networks effectively, to conduct backtracking law enforcement investigations and, where appropriate, to identify the source of the seized chemical precursors and those responsible for the consignment and ultimately the diversion;

"9. *Also encourages* Member States to investigate the possibility of establishing operational chemical profiling programmes, and invites all States to support, to the extent possible, such programmes;

"10. *Requests* the International Narcotics Control Board, pursuant to Economic and Social Council resolution 1995/20 of 24 July 1995, to monitor

[4] Ibid.

international trade so that diversion attempts can be identified, preventing chemical precursors from reaching the illicit market;

"11. *Urges* the International Narcotics Control Board to continue to follow up all such cases of diversion by facilitating investigations by national authorities and to make its findings available to Governments through its annual report;

"12. *Requests* the Secretary-General to provide the necessary resources to the International Narcotics Control Board to enable it to continue its work effectively under Operation Purple, Operation Topaz and Project Prism;

"13. *Requests* the Executive Director of the United Nations Office on Drugs and Crime, within the framework of his biennial reports on the implementation of the outcome of the twentieth special session of the General Assembly and taking into account the relevant resolutions adopted on the subject since the special session, to include in his report on the control of precursors, starting with his report to be submitted to the Commission on Narcotic Drugs at its forty-eighth session, recommendations on how to strengthen the use of the pre-export notification mechanism and ensure timely responses."